

JS 44C/SDNY
REV. 4/2012

JUDGE BROOKLYN COVER SHEET

14 CV 36447

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

MAY 21 2014

PLAINTIFFS
CITY OF PONTIAC GENERAL EMPLOYEES' RETIREMENT SYSTEM,
Individually and on Behalf of All Others Similarly Situated

DEFENDANTS
DELL INC., MICHAEL S. DELL, BRIAN T. GLADDEN, and STEPHEN J.
FELICE

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
Robbins Geller Rudman & Dowd, LLP
58 So. Service Road, Suite 200, Melville, NY 11747 (631) 367-7100

ATTORNEYS (IF KNOWN)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Pursuant to Sections 10(b) and 20(a) of the Exchange Act [15 U.S.C. Sections 78j(b) and 78t (a)] and Rule 10b-5 promulgated thereunder by the United States Securities and Exchange Commission [17 C.F.R. Section 240.10b-5].

Has this or a similar case been previously filed in SDNY at any time? No Yes Judge Previously Assigned

If yes, was this case Vol. Invol. Dismissed. No Yes If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE? No Yes

(PLACE AN [X] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS

ACTIONS UNDER STATUTES

| CONTRACT | PERSONAL INJURY | PERSONAL INJURY | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES |
|---|---|---|---|---|--|
| <input type="checkbox"/> 110 INSURANCE | <input type="checkbox"/> 310 AIRPLANE | <input type="checkbox"/> 362 PERSONAL INJURY - MED MALPRACTICE | <input type="checkbox"/> 610 AGRICULTURE | <input type="checkbox"/> 422 APPEAL | <input type="checkbox"/> 400 STATE REAPPORTIONMENT |
| <input type="checkbox"/> 120 MARINE | <input type="checkbox"/> 315 AIRPLANE PRODUCT | <input type="checkbox"/> 315 LIABILITY | <input type="checkbox"/> 620 OTHER FOOD & DRUG | <input type="checkbox"/> 28 USC 158 | <input type="checkbox"/> 410 ANTITRUST |
| <input type="checkbox"/> 130 MILLER ACT | | <input type="checkbox"/> 365 PERSONAL INJURY | <input type="checkbox"/> 625 DRUG RELATED | <input type="checkbox"/> 423 WITHDRAWAL | <input type="checkbox"/> 430 BANKS & BANKING |
| <input type="checkbox"/> 140 NEGOTIABLE INSTRUMENT | <input type="checkbox"/> 320 ASSAULT, LIBEL & SLANDER | <input type="checkbox"/> 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY | <input type="checkbox"/> 21 USC 881 PROPERTY | <input type="checkbox"/> 450 COMMERCE | <input type="checkbox"/> 460 DEPORTATION |
| <input type="checkbox"/> 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT | <input type="checkbox"/> 330 FEDERAL EMPLOYERS' LIABILITY | | <input type="checkbox"/> 630 LIQUOR LAWS | <input type="checkbox"/> 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO) | |
| <input type="checkbox"/> 151 MEDICARE ACT | <input type="checkbox"/> 340 MARINE | <input type="checkbox"/> 345 MARINE PRODUCT LIABILITY | <input type="checkbox"/> 640 RR & TRUCK | <input type="checkbox"/> 820 COPYRIGHTS | <input type="checkbox"/> 480 CONSUMER CREDIT |
| <input type="checkbox"/> 152 RECOVERY OF DEFECTED STUDENT LOANS (EXCL VETERANS) | <input type="checkbox"/> 350 MOTOR VEHICLE | <input type="checkbox"/> 370 OTHER FRAUD | <input type="checkbox"/> 650 AIRLINE REGS | <input type="checkbox"/> 830 PATENT | <input type="checkbox"/> 490 CABLE/SATELLITE TV |
| <input type="checkbox"/> 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS | <input type="checkbox"/> 355 MOTOR VEHICLE | <input type="checkbox"/> 371 TRUTH IN LENDING | <input type="checkbox"/> 660 OCCUPATIONAL SAFETY/HEALTH | <input type="checkbox"/> 840 TRADEMARK | <input type="checkbox"/> 810 SELECTIVE SERVICE |
| <input type="checkbox"/> 160 STOCKHOLDERS SUITS | <input type="checkbox"/> 360 OTHER PERSONAL INJURY | <input type="checkbox"/> 380 OTHER PERSONAL PROPERTY DAMAGE | <input type="checkbox"/> 690 OTHER | <input type="checkbox"/> 850 SOCIAL SECURITY | <input type="checkbox"/> 850 SECURITIES/ COMMODITIES/ EXCHANGE |
| <input type="checkbox"/> 190 OTHER CONTRACT | | <input type="checkbox"/> 385 PROPERTY DAMAGE PRODUCT LIABILITY | <input type="checkbox"/> 861 HIA (1985ff) | | <input type="checkbox"/> 875 CUSTOMER CHALLENGE |
| <input type="checkbox"/> 195 CONTRACT PRODUCT LIABILITY | <input type="checkbox"/> 410 VOTING | | <input type="checkbox"/> 862 BLACK LUNG (923) | | <input type="checkbox"/> 880 12 USC 3410 |
| <input type="checkbox"/> 196 FRANCHISE | <input type="checkbox"/> 422 EMPLOYMENT | <input type="checkbox"/> 415 ACTIONS UNDER STATUTES | <input type="checkbox"/> 863 DIWC/DIWW (405(g)) | | <input type="checkbox"/> 890 OTHER STATUTORY ACTIONS |
| REAL PROPERTY | <input type="checkbox"/> 443 HOUSING/ ACCOMMODATIONS | <input type="checkbox"/> 510 MOTIONS TO VACATE SENTENCE | <input type="checkbox"/> 864 SSID TITLE XVI | | <input type="checkbox"/> 891 AGRICULTURAL ACTS |
| <input type="checkbox"/> 210 LAND CONDEMNATION | <input type="checkbox"/> 444 WELFARE | <input type="checkbox"/> 20 USC 2255 | <input type="checkbox"/> 865 RSI (405(g)) | | <input type="checkbox"/> 892 ECONOMIC STABILIZATION ACT |
| <input type="checkbox"/> 220 FORECLOSURE | <input type="checkbox"/> 445 AMERICANS WITH DISABILITIES - EMPLOYMENT | <input type="checkbox"/> 530 HABEAS CORPUS | <input type="checkbox"/> 710 FAIR LABOR STANDARDS ACT | | <input type="checkbox"/> 893 ENVIRONMENTAL MATTERS |
| <input type="checkbox"/> 230 RENT LEASE & EJECTMENT | <input type="checkbox"/> 446 AMERICANS WITH DISABILITIES - OTHER | <input type="checkbox"/> 535 DEATH PENALTY | <input type="checkbox"/> 720 LABOR/MGMT | <input type="checkbox"/> 870 TAXES (U.S. Plaintiff or Defendant) | <input type="checkbox"/> 894 ENERGY ALLOCATION ACT |
| <input type="checkbox"/> 240 TORTS TO LAND | <input type="checkbox"/> 440 OTHER CIVIL RIGHTS (Non-Prisoner) | <input type="checkbox"/> 540 MANDAMUS & OTHER | <input type="checkbox"/> 740 RAILWAY LABOR ACT | <input type="checkbox"/> 871 IRS-THIRD PARTY | <input type="checkbox"/> 895 FREEDOM OF INFORMATION ACT |
| <input type="checkbox"/> 245 TORT PRODUCT LIABILITY | | | <input type="checkbox"/> 790 OTHER LABOR LITIGATION | <input type="checkbox"/> 26 USC 7609 | <input type="checkbox"/> 900 APPEAL OF FEE DETERMINATION |
| <input type="checkbox"/> 290 ALL OTHER REAL PROPERTY | | | <input type="checkbox"/> 791 EMPL RET INC SECURITY ACT | | <input type="checkbox"/> 950 DETERMINATION UNDER EQUAL ACCESS TO JUSTICE |
| | | | <input type="checkbox"/> 1462 NATURALIZATION APPLICATION | | <input type="checkbox"/> 950 CONSTITUTIONALITY OF STATE STATUTES |
| | | | <input type="checkbox"/> 1463 HABEAS CORPUS- ALIEN DETAINEE | | |
| | | | <input type="checkbox"/> 1465 OTHER IMMIGRATION ACTIONS | | |

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.
IF SO, STATE: _____

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint
JURY DEMAND: YES NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN x IN ONE BOX ONLY)

| | | | | | | |
|---|---|--|---|--|---|--|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from (Specify District) | <input type="checkbox"/> 6 Multidistrict Litigation | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge Judgment |
| <input type="checkbox"/> a. all parties represented | | | | | | |
| <input type="checkbox"/> b. At least one party is pro se. | | | | | | |

(PLACE AN x IN ONE BOX ONLY)

| | | | | |
|---|---|---|--------------------------------------|--|
| <input type="checkbox"/> 1 U.S. PLAINTIFF | <input type="checkbox"/> 2 U.S. DEFENDANT | <input checked="" type="checkbox"/> 3 FEDERAL QUESTION (U.S. NOT A PARTY) | <input type="checkbox"/> 4 DIVERSITY | IF DIVERSITY, INDICATE CITIZENSHIP BELOW. (28 USC 1322, 1441) |
|---|---|---|--------------------------------------|--|

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

| | | | | | | | | |
|--------------------------|-------|-------|---|-------|-------|---|-------|-------|
| CITIZEN OF THIS STATE | PTF 1 | DEF 1 | CITIZEN OR SUBJECT OF A FOREIGN COUNTRY | PTF 1 | DEF 3 | INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE | PTF 5 | DEF 5 |
| CITIZEN OF ANOTHER STATE | 2 | 2 | INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE | 4 | 4 | FOREIGN NATION | 6 | 6 |

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

47450 Woodward Avenue
 Pontiac, MI 48342
 (Oakland County)

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Please see attached Schedule A.

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS MANHATTAN
 (DO NOT check either box if this a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.)

DATE 05/21/14 SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

NO
 YES (DATE ADMITTED Mo. 05 Yr. 1995)
 Attorney Bar Code # SR7957

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.
 MAC. J. KRAJICK

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

Schedule A

DELL INC.
Registered Agent:
Corporation Service Company
2711 Centerville Road, Suite 400
Wilmington, DE 19808
(New Castle County)

MICHAEL S. DELL
3400 Toro Canyon Road
Austin, TX 78746
(Travis County)

BRIAN T. GLADDEN
3585 Lost Creek Boulevard
Austin, TX 78735
(Travis County)

STEPHEN J. FELICE
8201 Chalk Knoll Drive
Austin, TX 78735
(Travis County)